

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL KOZLOWSKI,

Plaintiff,

v.

Case Number 08-13880-BC
Honorable Thomas L. Ludington

UNITED STATES OF AMERICA,
C EICHENLAUB, W MALATINSKY,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGEMENT, AND
DISMISSING PLAINTIFF’S CLAIMS AGAINST DEFENDANT MALATINSKY WITH
PREJUDICE**

Magistrate Judge Mona K. Majzoub issued a report and recommendation [Dkt. # 33] on February 1, 2010, recommending that Defendant Malatinsky’s motion for summary judgment [Dkt. # 31] be granted and that Plaintiff Kozlowski’s claims against Malatinsky be dismissed. Either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation [Dkt. # 33] is **ADOPTED**.

It is further **ORDERED** that Defendant’s motion for summary judgment [Dkt. # 31] is **GRANTED**.

It is further **ORDERED** that Plaintiff's claims against Defendant Malatinsky are **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 8, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 8, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS